

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. RPU-2012-0001
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**ORDER GRANTING REQUEST FOR CONFIDENTIALITY  
FILED AUGUST 17, 2012**

(Issued August 22, 2012)

On August 17, 2012, MidAmerican Energy Company (MidAmerican) filed with the Utilities Board (Board) an application for confidential treatment of contracts filed in response to the Board's May 22, 2012, order requiring additional information. Specifically, MidAmerican asked for confidential treatment of Confidential Attachment 32, which is a confirmation to a contract previously filed as Attachment 25. The information for which confidential treatment is requested includes coal and freight contract terms and prices and MidAmerican's strategy for negotiating and evaluating proposals for coal, freight, and other coal delivery products and services. MidAmerican supported the request for confidentiality with an affidavit by a corporate officer and the material for which confidentiality was requested was filed separately. MidAmerican cited Iowa Code §§ 22.7(3) and 22.7(6) (2011) as authority for confidential treatment of the data.

MidAmerican claims the information is a report to a governmental agency that, if released, would give advantage to competitors and serve no public purpose and,

therefore, should be held confidential pursuant to § 22.7(6). MidAmerican states that release of its coal transportation strategy and pricing information could adversely affect security and competitive positions of MidAmerican and joint plant owners and increase costs to MidAmerican's customers. MidAmerican further states that release of the pricing information could impact the ability to obtain bids from the railroads because the railroads submitted their responses pursuant to confidentiality agreements. Also, MidAmerican notes that contract negotiations for fuel and freight are ongoing and could be harmed by public disclosure.

The information in question qualifies as a report to a government agency. Based upon the information supplied by MidAmerican, release of such information serves no public purpose. Therefore, the Board will hold the information confidential pursuant to Iowa Code § 22.7(6).

The filed information may also be confidential as a trade secret pursuant to Iowa Code §§ 22.7(3) and 550.2(4). However, because the Board finds the information should be held confidential under § 22.7(6), the Board does not reach the question of whether the information is a trade secret or a communication not required by law.

**IT IS THEREFORE ORDERED:**

1. The request for confidentiality filed by MidAmerican Energy Company on August 17, 2012, is granted.

2. The filed information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

**UTILITIES BOARD**

/s/ Elizabeth S. Jacobs

/s/ Darrell Hanson

ATTEST:

/s/ Judi K. Cooper

Executive Secretary, Deputy

/s/ Swati A. Dandekar

Dated at Des Moines, Iowa, this 22<sup>nd</sup> day of August 2012.